Passed: 6-0

ORDINANCE 93-46

TO AUTHORIZE EXECUTION OF LEASE FOR SHOWERS PROJECT AND ISSUANCE OF BONDS

WHEREAS, the need exists to finance certain municipal buildings and related appurtenances ("Project") located at 8th and Morton in the City of Bloomington;

WHEREAS, the Common Council has previously recommended, and the Board of Public Works ("Board") of the City has previously approved the creation of the Bloomington Municipal Facilities Building Corporation ("Corporation") in order to finance several municipal facilities and capital projects, including the Project;

WHEREAS, the Board has previously accepted a petition signed by fifty (50) taxpayers of the City requesting the City to finance several municipal facilities and capital projects, including the Project;

WHEREAS, the Board, after a public hearing, adopted a resolution on September 7, 1993, authorizing the execution of a lease ("Lease") between the Board and the Corporation for the construction and acquisition of the Project, which resolution is attached as Exhibit A;

WHEREAS, the Common Council hereby finds that the execution of the Lease is necessary and wise, will provide services that will serve the public purpose of the City and is in the best interests of the City's residents, and further finds that the lease rentals provided for in the Lease are fair and reasonable;

WHEREAS, the Corporation has been organized under IC 23-7-1.1, as repealed and superseded by IC 23-17, for public purposes, including constructing and leasing the Project and has demonstrated the Corporation's ability to acquire funds to construct and lease the Project and the Project to the Board on such terms and conditions that any construction bids or contracts can be assigned to the Corporation and contracts let for the construction of the Project;

NOW, THEREFORE, BE IT ORDAINED BY THE BLOOMINGTON COMMON COUNCIL THAT:

SECTION 1. The execution of the Lease between the City, acting by and through its Board of Works, and the Corporation, as more particularly described in the resolution attached as Exhibit A, is hereby approved.

SECTION 2. It is hereby determined to be proper and in the public interest to reaffirm its approval of the incorporation of the corporation known and designated as the Bloomington Municipal Facilities Corporation for the purpose of, among other things, financing, constructing and equipping the Project and leasing it to the City, acting by and through the Board.

SECTION 3. The Council hereby reaffirms its approval of the Articles of Incorporation and By-Laws of the Corporation presented to and now before this Common Council.

SECTION 4. Providing for the financing, construction, acquisition and equipping of the Project by the Corporation and the leasing of the Project to the Board is in the public interest of the citizens of this City and it is a proper public purpose for which this Common Council agrees to cooperate with the Corporation to assist in fulfilling the requirements of all agencies of the Federal, State and City Government.

SECTION 5. The issuance, sale and delivery by the Corporation of bonds designated "Lease Rental Bonds of 1993" ("Bonds"), in the aggregate principal amount not to exceed $9,000,000 to finance the Project, is hereby approved.

SECTION 6. The City reasonably expects that tax exempt obligations issued by or on behalf of the City, including the bonds, as well as bonds, tax exempt leases and temporary loan warrants of the City (excluding private activity bonds other than qualified 501(c)(3) bonds), will not exceed $10,000,000 in calendar year 1993. The Common Council hereby approves and authorizes the designation by the Corporation of up to $9,000,000 of the Bonds as qualified tax exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended and in effect on the issue date of the Bonds ("Code").

SECTION 7. Upon the redemption or retirement of the Bonds to be issued by the Corporation, the City, acting by and through the Board, will accept from the Corporation title to the Project (including any additions to the Project) free and clear from any and all liens and encumbrances thereon.

SECTION 8. The Common Council hereby approves the following to continue to act as Directors of the Corporation: S. Tracy Clay, William J. Finch, Lee Ann Merry, Frona Powell and James William Tabor.

SECTION 9. The Corporation being duly organized to conduct business, it may issue, sell and deliver its bonds, pursuant to the applicable laws of the State of Indiana, may encumber any real property or equipment acquired by it for the purpose of financing the acquisition, renovation, construction and equipping of the Project and may enter into contracts for the sale of bonds and the construction, renovation and acquisition of the Project.

SECTION 10. This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 6th day of October, 1993.

Jack W. Hopkins

JACK W. HOPKINS, President
Bloomington Common Council

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 7th day of October, 1993.

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 12th day of October, 1993.

Tomilea Allison

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance approves the execution of a lease for the acquisition, renovation, construction and equipping of a municipal building between the Bloomington Municipal Facilities Corporation and the City, acting by and through the Board of Public Works, and approves the issuance of not more than $9,000,000 of the Corporation's Lease Rental Bonds of 1993. The Board of Public Works will tender payments on the lease through the previously approved pledge of County Option Income Tax Revenues.

Signed copies to
Legal
Public Works
Controller